HC-KAR
NC: 2026:KHC:61175
WP No. 21777 of 2026
CNR: KAHC010479272026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 21777 OF 2026 (GM-DRT)

BETWEEN:

1. SOWMYA.M.S.,
D/O SHIVALINGA ARADHYA .M,
W/O SRI NANJUNDA ARADHYA M,
AGED ABOUT 34 YEARS,
RESIDING AT NO.61/2,
MALAGANAKERE VILLAGE,
MAKODU POST, RAVANDURU HOBLI,
MALAGANAKERE,
NEAR WATER TANK,
PERIYAPATNA TALUK,
MYSURU DISTRICT - 571 108.
MOBILE NO.998601665;
AADHAAR NO.2797 9325 0293.

2. NANJUNDA ARADHYA. M
S/O. MALLARADHYA,
AGED ABOUT 49 YEARS,
RESIDING AT NO. 61/2,
MALAGANAKERE VILLAGE,
MAKODU POST, RAVANDURU HOBLI,
MALAGANAKERE,
NEAR WATER TANK,
PERIYAPATNA TALUK,
MYSURU DISTRICT - 571 108.
MOBILE NO.76761 56397,
AADHAAR NO.747 3802 2209.

3. SUSHEELAMMA. M,
W/O. SHIVALINGARADHYA,
AGED ABOUT 60 YEARS,

RESIDING AT NO.61/2,
MALAGANAKERE VILLAGE,
MAKODU POST,
RAVANDURU HOBLI,
MALAGANAKERE,
NEAR WATER TANK,
PERIYAPATNA TALUK,
MYSURU DISTRICT - 571 108.
MOBILE NO.8904450364,
AADHAAR NO.6863 4605 9501.

4. SHIVALINGA ARADHYA,
S/O. MALLARADHYA,
AGED ABOUT 60 YEARS,
RESIDING AT NO.61/2,
MALAGANAKERE VILLAGE,
MAKODU POST,
RAVANDURU HOBLI,
MALAGANAKERE,
NEAR WATER TANK,
PERIYAPATNA TALUK,
MYSURU DISTRICT - 571 108.
MOBILE NO.8904450364,
AADHAAR NO.5288 9574 7516.

...PETITIONERS

(BY SRI. M.G.GHORPADE PATIL., ADVOCATE)

AND:

VASTU HOUSING FINANCE
CORPORATION LIMITED,
(A COMPANY REGISTERED UNDER
THE COMPANIES ACT, 1956),
HAVING ITS BRANCH OFFICE
AT MYSURU AND
REGISTERED OFFICE AT NO.39/2,
4TH FLOOR, SANTOSHIMA ENCLAVE,
B BLOCK, T. DASARAHALLI,
8TH MILE, TUMKUR ROAD,
BENGALURU -560 057,

REPRESENTED BY ITS
AUTHORISED SIGNATORY,
SRI YALLESH.C.

HAVING REGISTERED OFFICE AT
UNIT NO.203 & 204, 2ND FLOOR,
"A" WING, NAVBHARAT ESTATE,
BARRISTER NATH PAI MARG/
ZAKARIA BUNDAR ROAD,
AZAD NAAR, SEWRI [WEST],
MUMBAI,
MAHARASHTRA - 400 015.

…RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARIFIED MANDAMUS DIRECTING THE RESPONDENT VASTU HOUSING FINANCE CORPORATION LIMITED TO IMMEDIATELY PRODUCE ALL ENTIRE AND UP TO DATE RECORDS AND ALL STATEMENT OF ACCOUNTS PERTAINING TO SANCTION OF LOAN TO THE PETITIONERS ON PETITION SCHEDULE PROPERTY INCLUDING REGISTER/DETAILS OF RECEIPTS RECEIPT OF PAYMENT, RECORDS OF LOAN AMOUNT RECEIVED FROM THE PETITIONERS THROUGH RECOVERY AGENTS AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

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MONNAPPA POONACHA

(a) issue a Writ of Certiorarified Mandamus directing the respondent Vastu Housing Finance Corporation Limited to immediately produce all entire and up to date records and all statement of accounts pertaining to sanction of loan to the Petitioners on Petition Schedule Property including Register/details of receipts receipt of payment. records of loan amount received from the Petitioners through Recovery Agents

[b] a issue Writ of Certiorari for quashing the impugned Order, dated: 09-09-2025 passed by the Trial Court of Hon'ble III Additional Senior Civil Judge and Chief Judicial Magistrate at Mysuru in Criminal Miscellaneous Petition No.235/2025 on the Application file by the Respondent - Vastu Housing Finance Corporation Limited Under Section 14 of the Securitization an Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 vide "ANNEXURE - "A"

[c] to issue a Writ of Certiorari for quashing the impugned Possession Notice, dated: 17-09-2025 issued by the Respondent Bank to Petitioners vide "ANNEXURE – "F"

and

[d] to grant such other relief or reliefs as this Hon'ble Court deems fit to grant in the facts and in the circumstances of the case, by allowing the above Petition, in the interest of justice and equity."

2. The petitioner, *interalia*, assails the order dated 09.09.2025, passed in Criminal Miscellaneous Petition No.235 of 2025, by the Court of the III Additional Senior Civil Judge and CJM at Mysuru, (Annexure-A to the Writ Petition) as well as the possession notice dated 17.09.2025 (Annexure-F to the Writ Petition).

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3. It is forthcoming from the impugned order dated 09.09.2025 in Crl. Misc. No.235/2025 (Annexure -A to the writ petition) is passed pursuant to the application filed by the respondent under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002[1]. It is further forthcoming that, the possession notice dated 17.09.2025 (Annexure - F to the writ petition) has also been issued pursuant to measures intiated under the said Act.

4. It is submitted by the learned counsel for the petitioner that the possession of the property has also been taken.

5. A perusal of the possession notice dated 17.09.2025 clearly indicates that various measures under the provisions of the Act, have been initiated by the respondent.

6. It is further pertinent to note that the possession notice is issued on 17.09.2025 and the present writ petition is

[1] Hereinafter referred to as 'Act'

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filed on 13.07.2026 after nearly 10 months of the possession notice.

7. Although it is the vehement contented by the learned counsel for the petitioner that, a loan of Rs.9,00,000/- was availed and all the amounts have been paid. It is forthcoming from the possession notice dated 17.09.2025 that a sum of Rs.8,75,360/- was due and outstanding as on 07.11.2024. There is no material on record placed by the petitioner to indicate that the said amount has been paid to the respondent.

8. In view of the fact that the impugned order dated 09.09.2025 (Annexure-A to the writ petition) and possession notice (Annexure - F to the writ petition) are consequent to measures having been initiated by the respondent under the provisions of the Act, and since adequate remedies are available to the petitioner under provisions of the said Act, the question of entertaining the present writ petition does not arise.

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9. Accordingly the present writ petition stands **dismissed.**

10. This order will not preclude the petitioner from availing appropriate remedies as permissible under law.

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(C.M. POONACHA)
JUDGE

HR
List No.: 1 Sl No.: 1